THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 10040 OF 2001

24th February, 2006

Between:

Abdru Nagaratnam …Petitioner

A N D

1. The Settlement Officer/ Revenue

Divisional Officer, Kovur, W.G.District

And another …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 10040 OF 2001

O R D E R :

1. This writ petition has been filed by Abdru Nagaratnam assailing the inaction of the Settlement Officer-Revenue Divisional Officer , Kovvur, West Godavari District on her application for grant of Ryotwari Patta under Section 7 of the Andhra Pradesh

Scheduled Area Ryotwari Settlement Regulation, 1970 (Regulation 2/1970).

2. Heard learned counsel for the parties.

3. The petitioner claims to be the owner and possessor of the land admeasuring Ac.4-77 cents comprising R.S.No.849/1, which is situated in Scheduled Area. Special Deputy Tahsildar (TW) N.II, K.R.Puram initiated proceedings against the petitioner under the provisions of A.P.S.A.L.T. Regulation 1/59 as amended by 1/70. The proceedings ended in favour of the petitioner. There upon the petitioner submitted an application before the Revenue Divisional Officer, Kovvur, West Godavari District under Regulation 2/70 for grant of Ryothwari Patta. Since no action has been taken on her application, she approached this Court by invoking extra ordinary jurisdiction under Article 226 of the Constitution of India.

4. Heard counsel for parties.

5. Learned counsel for the petitioner submits that the land in question was never in possession of a Tribal and therefore, proceedings initiated against the petitioner under the provisions of Regulation 1/70 ended in dismissal. He further submits that once the proceedings under Regulation 1/70 ended in favour of the petitioner, the Respondents have to consider the application of the petitioner under Regulation 2/70. Copy of the application filed before the Settlement Officer-Revenue Divisional Officer,Kovvur has been placed on record. During the course of arguments, the learned counsel for the petitioner submits that jurisdiction to grant Ryothwari Patta in respect of the land in question is vested with the Settlement Officer, Jangareddygudem and therefore, necessary direction is required to be given to the Settlement Officer, Jangareddygudem to pass appropriate orders.

6. It appears the petitioner filed application before the Settlement Officer, Kovvur-Revenue Divisional Officer in the year 1999.

7. In that view of the matter, I deem it appropriate to dispose of the writ petition permitting the petitioner to file a fresh application before the Settlement Officer-Revenue Divisional Officer, Jangareddygudem and thereupon the Settlement Officer concerned has to consider the application of the petitioner in accordance with the provisions of Regulation 2/70 and pass appropriate orders as expeditiously as possible within six months thereafter. No order as to costs.

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Justice B.Seshasayana Reddy

24th February, 2006

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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